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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: October 12, 2009

Name: G. Peter Nichols

Signature: /G. Peter Nichols/

Our Case No. 3086/1734  
AM1150

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                               |   |                             |
|-------------------------------|---|-----------------------------|
| In re Application of:         | ) |                             |
|                               | ) |                             |
| Brovelli et al.               | ) |                             |
|                               | ) | Examiner: Patricia A. Leith |
| Serial No. 10/774,092         | ) |                             |
|                               | ) | Group Art Unit No. 1655     |
| Filing Date: February 6, 2004 | ) |                             |
|                               | ) | Confirmation No. 7125       |
| For: METHOD OF AUGMENTING THE | ) |                             |
| IMMUNE-MODULATORY ACTIVITY    | ) |                             |
| OF STANDARDIZED ECHINACEA     | ) |                             |
| PREPARATIONS                  | ) |                             |

**Response to Non-Final Rejection**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Non-Final Rejection mailed July 29, 2009, Applicants respectfully request reconsideration in light of the following:

**Amendments to the Claims** as reflected in the listing of the claims, which begin on page 2 of this paper.

**Remarks** and Applicant's response to the Office action begin on page 5.